



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

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Ser BPMOW.hmw/282
September 3, 2019

Mr. Mark Chalpin
Law Office of Mark G. Chalpin, Esq.
116 Billingsgate Lane
Gaithersburg, MD 20877

Dear Mr. Chalpin:

This correspondence is in regard to your Freedom of Information Act (FOIA) request of July 16, 2019, in which you seek the following:

Any communication between CH2M and the Navy related to comments, edits or additions to the "Draft Radiological Report Findings for Parcel B and G Soils (September 2017) or the Parcel G Removal Site Evaluation Work Plan (Draft June, Draft Final November 2018, and Final June 2019).

Your request was submitted on July 16, 2019, received by this office on July 31, 2019 and assigned file number DON-NAVY-2019-009055.

This letter is to provide a final determination on your FOIA request. A search for responsive records has been completed and approximately 280 potentially responsive records have been located. Potentially responsive records are presently being reviewed for information that may be exempt from disclosure under the FOIA. Certain responsive records may be wholly or partially exempt from disclosure pursuant to the following exemptions to FOIA: FOIA Exemption 4 [5 U.S.C. § 552(b)(4)] which exempts from disclosure trade secrets and commercial or financial information obtained from a person that is privileged or confidential; FOIA Exemption 5 [5 U.S.C. § 552(b)(5)] which exempts from disclosure records that reflect the Navy's internal deliberations the release of which could be harmful by discouraging the free and frank exchange of opinions or potentially result in public confusion by disclosing information that is not consistent with the outcome of the deliberative process; FOIA Exemption 6 [5 U.S.C. § 552(b)(6)] which exempts from disclosure personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; FOIA Exemption 7(A) [5 U.S.C. § 552(b)(7)(A)] which exempts from disclosure records compiled for law enforcement purposes when disclosure could reasonably be expected to interfere with enforcement proceedings; and/or FOIA Exemption 7(C) [5 U.S.C. § 552(b)(7)(C)] which exempts from disclosure records compiled for law enforcement purposes the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. Responsive and non-exempt portions of records will be released to you as our review is completed.

You have agreed to pay up to \$1,440 for the processing of this request. If we find that this will not cover the cost of processing your request, we will contact you before we incur additional

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charges. You can then either agree to pay the additional amount or narrow the scope of your request. No payment is due at this time. A request for payment of fees will be included when responsive records are released to you.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Ms. Heather Wochnick who may be contacted at heather.wochnick@navy.mil or 619-524-4605.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly A. Ostrowski', with a long horizontal line extending to the right.

KIMBERLY A. OSTROWSKI
Director